

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
September 2, 2008

The Hot Springs County Board of Commissioners met in regular session on Tuesday, September 2, 2008, at 9:00 a.m. in the Commissioners Room at the Courthouse.

Present were Commissioners Brad W. Basse, John P. Lumley and Frank T. Manning. Also present was County Clerk Hans Odde, Hot Springs County and Prosecuting Attorney Jerry D. Williams, and Executive Assistant to the Commissioners Penny Herdt.

Chairman Brad W. Basse led those present in the Pledge of Allegiance.

Approval of Agenda

John P. Lumley made a motion to approve the agenda with the following corrections:

- Add: Other Business – 3. SLIB Draw Down Request #3 – JLE Phase II
4. Tom Sullivan – Golf Club Membership
5. Frank Manning – Discuss County Website

Frank T. Manning seconded the motion. Motion carried.

Approval of Minutes

Frank T. Manning moved to approve the minutes of the August 5, 2008, and August 19, 2008, meetings, as written. John P. Lumley seconded the motion. Motion carried.

Approve Bills

The following bills were submitted for approval: (see attached) Payroll for August, 2008, = \$151,032.34.

Emergency Management Monthly Report

Emergency Management Coordinator (EMC) Bill Gordon reviewed a Grant Award from the National Telecommunications and Information Administration (NTIA) in consultation with the Department of Homeland Security (DHS), FY 2007 Public Safety Interoperable Communications Grant Program. This grant provides the rest of the money required to participate in the Wyo-Link Program. The grant amount is approximately \$116,339.00, with a required county match of approximately \$29,085.00. The commissioners asked Mr. Gordon to investigate whether the matching funds could come from previously awarded Homeland Security funds, in addition to researching some of the components of the grant that were somewhat unclear. Mr. Gordon will report back at the next Commissioners Meeting on October 7, 2008.

Mr. Gordon has been looking into the E-911 surcharge revenue issue, and reported that other states have done a lot of work in this area as far as changing the wording of their legislation to ensure that they are receiving the surcharge revenue from the various types of cell phone plans. He is gathering information regarding potential legislation to bring to a meeting with the Commissioners and Representative Lorraine Quarberg to move forward with the capture of these revenues. Chairman Basse suggested that the Wyoming County Commissioners Association (WCCA) might be a good group to coordinate state-

wide efforts for these legislative changes. Mr. Gordon agreed to compile the information for presentation to the WCCA.

Mr. Gordon reported that he will be attending a Drill Training in Cheyenne on November 4-7, 2008, in order to remain compliant with the new State EMC County Exercise Training requirements. Upon his return, he plans to conduct a Winter Emergency Exercise to ensure the county's preparedness for a cold-weather incident.

Mr. Gordon discussed his attendance at the Association of Public-Safety Communications Officers Conference in early August. The Keynote speaker, Lt. General Russell Honore, stressed the increasing importance of text messaging as an alternate means of communication to cell phones during an emergency situation. Text messaging often continues to function when voice communication crashes or service is unavailable. Chairman Basse asked if the Blanket Text Messaging system currently used by some colleges could be implemented within the county for emergency situations. Mr. Gordon replied that it could, through our current system's Reverse 911 capability.

Mr. Gordon related a recent incident with the E-911 system where a 911 call from one of the schools showed up as coming from the administration building, resulting in response to the wrong location. After discussion with the Commissioners, Mr. Gordon will contact Rick Engelbrecht, Technology Coordinator for the Hot Springs County School District, about updating the school district's phone system to individually identify calls from each phone in the district.

Courthouse Monthly Report – Chuck Carver

Public Health Building – Library staff has expressed concern over patron parking availability during the construction of the new Public Health Building. Mr. Carver suggested that courthouse employee parking during the construction as a whole was an area that the Commissioners needed to address prior to the start of construction next spring. No immediate action was taken.

Courthouse Roof – The contractor will finalize the materials list this week. Materials will be delivered next week.

Library Project – Dampers have been installed and the final step will be programming the system and installing the variable frequency drive to achieve maximum efficiency.

JLE Security Project – Entering the final stages of completion.

Road & Bridge Monthly Report – Ray Shaffer

County Road 19 - Commissioners took part in a conference call with Road & Bridge Representative Ray Shaffer, County Planner Lee Campbell and Dale Nuttall of Wyo-Ben regarding County Road 19. Mr. Nuttall requested that the county submit an application to the BLM to upgrade the road over the BLM land so that construction can begin in a timely fashion. Mr. Shaffer stated that Road & Bridge would like to have a centerline established in the next six weeks. Mr. Nuttall agreed that Wyo-Ben could provide assistance with the surveying to do that. Once construction starts, Mr. Shaffer stated that the county would provide culverts and other material as required and Mr. Nuttall stated that Wyo-Ben would provide labor and equipment for the construction.

Web Page – Mr. Shaffer asked about the County Website. The Road & Bridge Department would like to have their own page on the website, where they could post road

maintenance schedules, easement applications, etc. Commissioner Manning will check with our website manager regarding costs and ability to provide another page on the website.

Road Maintenance – Grass Creek Road project is almost finished, and then pit run will be placed on 4-Mile Road. Cottonwood Road needs tack oil applied to tighten up the surface. Due to the current high cost of tack oil, Mr. Skelton is looking into having an emulsion put down instead of straight tack oil. The dirt work is nearly finished on Kirby Creek Road. New culverts and a cattle guard have been installed. Mr. Shaffer reported that the Road & Bridge Department is working with some landowners regarding moving a fence that has been erected on the County's easement so that Kirby Creek Road can be properly maintained by the County.

Records Consolidation – Mr. Shaffer spoke with the Commissioners regarding the Road & Bridge Department's desire to consolidate all the County Road & Bridge records in one central location. During the course of recent right-of-way searches, Mr. Skelton has discovered that the surveying firm of Donnell & Allred, Inc. has several records of county roads that the county does not have. Mr. Shaffer proposed that the County contact the firm of Donnell & Allred, Inc. regarding acquisition of those records. The Commissioners authorized County Clerk Hans Odde to open a dialogue with Donnell & Allred, Inc. via a letter and report back at a later meeting. County Planner Lee Campbell stated that Ray Price, Fremont County Planner, had completed a similar consolidation project for the Fremont County Road & Bridge Department, and suggested Mr. Price be contacted for input and assistance with this project.

Planning Monthly Report – Lee Campbell

Mr. Campbell reported that he had received a call from a county resident who was concerned about Mountain Construction Company's use of the Harvey Gravel Pit during the State Park Asphalt Project. Mr. Campbell stated that he felt he had, after discussing the issue with the resident, resolved her concerns.

Red Rock Business Park Draw Down Request #17

Administrative Assistant to the Director of the Thermopolis-Hot Springs Economic Development Company Chris O'Byrne presented Draw Down Request #17 for the Business Park in the amount of \$128,265.00, with the County's 6% share coming to \$11,153.00. Chairman Brad Basse recused himself from the discussion and vote due to his company being one of the subcontractors on the project. Ms. O'Byrne reported that Change Order #5 has been executed, closing out the contract between JTL Construction and the EDC. John P. Lumley moved to approve the Wyoming Business Council Business Ready Community Grant and Loan Program Hot Spring County/Red Rock Business Park Draw Down Request #17, dated September 2, 2008 in the amount of \$128,265.00. Frank T. Manning seconded the motion. Motion carried.

Discuss Owl Creek Road – Cottonwood Creek Road Link Right-Of-Way

Hugh Baird, Hugh Vass and Ruby Lippincott appeared before the Commissioners to discuss the Right-of-Way issue regarding the connecting road extending from Cottonwood Creek Road (County Road 10) to Owl Creek Road (County Road 20). County Planner Lee Campbell stated that application has been made to the BLM for easement across the BLM portion of the land. Mr. Campbell recommended the Commissioners retain a land man to research the history of the County Rights of Access

to the connecting road. John P. Lumley made a motion to retain a land man and/or surveyor to review the historical records and give an “arm’s length” look at where the County does stand in regards to the connecting road extending from Cottonwood Creek Road (County Road 10) to Owl Creek Road (County Road 20). Motion carried.

Public Hearing – Retail Liquor Permit Renewal – Violet VanBuskirk dba Flying Dutchman

Chairman Basse opened the public hearing for the Retail Liquor Permit Renewal for Violet VanBuskirk dba Flying Dutchman at 11:20 a.m. County Clerk Hans Odde reviewed the section on planned changes to the dispensing room on the permit. After submitting the renewal application, Ms. VanBuskirk decided against the construction of a new building, and will be doing remodeling only. Clerk Odde stated that there were no major incidents or complaints regarding the bar per the Sheriff’s Department, and that all necessary fees have been received. Chairman Basse called three times for public comment. Hearing none, Chairman Basse declared the public hearing closed at 11:23 a.m. Frank T. Manning moved to approve the Retail Liquor Permit Renewal for Violet VanBuskirk dba Flying Dutchman. John P. Lumley seconded the motion. Motion carried.

Public Hearing – Retail Liquor Permit Renewal – Jeanne Waltz dba Red Cliffs Steak & Seafood

Chairman Basse opened the public hearing for the Retail Liquor Permit Renewal for Jeanne Waltz dba Red Cliffs Steak & Seafood at 11:24 a.m. County Clerk Hans Odde reviewed the permit renewal application. The State Liquor Division questioned a variance in the lease/permit dates. The Lease expires 09/01/2009, while the Liquor Permit expires 10/06/2009. Upon notification of this problem, Legion Town & Country Club President Tom Sullivan, Sr., and Jeanne Waltz presented a rough draft of a Lease Extension through 12/31/2009, to accompany the permit application. The formal document extending the lease is being prepared by a local attorney for execution prior to the expiration of the current Liquor Permit on 10/07/2008. Clerk Odde stated that there were no major incidents or complaints regarding the business per the Sheriff’s Department, and that all necessary fees have been received. Clerk Odde recommended the Commissioners issue conditional approval of the permit renewal contingent on receipt of the formal, properly-executed amendment and approval thereof by the State Liquor Commission. Chairman Basse called three times for public comment. Hearing none, Chairman Basse declared the public hearing closed at 11:28 a.m. Frank T. Manning moved to approve the Retail Liquor Permit Renewal for Jeanne Waltz dba Red Cliffs Steak & Seafood contingent upon receipt of approval from the State Liquor Commission of the formal, executed Lease Extension. John P. Lumley seconded the motion. Motion carried.

Proclamation of Constitution Week – September 17-23, 2008

Ruth Clare Johnson appeared before the Commissioners to request approval of a Proclamation declaring September 17-23, 2008 as Constitution Week. John P. Lumley moved to approve the Proclamation of Constitution Week as follows:

PROCLAMATION

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2008, marks the two hundred twenty first anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

Now, Therefore, I, Brad W. Basse, by virtue of the authority vested in me as Chairman of the Board of County Commissioners, in the State of Wyoming, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the County of Hot Springs, State of Wyoming, to be affixed the second day of September, of the year of our Lord two thousand and eight.

Brad W. Basse
Chairman of the Board of County Commissioners
Of Hot Springs County

SEAL

Attest: Hans Odde
County Clerk, Hot Springs County

Frank T. Manning seconded the motion. Discussion: Chairman Basse thanked Ruth Clare Johnson for her diligence in making sure this event receives proper recognition. Mrs. Johnson then reminded everyone that on September 17th, at 2:00 p.m., bells will be rung all across America in commemoration of the 221st Anniversary of the Framing of the Constitution, and encouraged their participation in this event. Motion carried.

Sheriff's Office Report – Lou Falgoust

Vehicle Acquisition – Hot Springs County Sheriff Lou Falgoust reported on the prospective purchase of a new vehicle for the Sheriff's Department. Funds for the vehicle will come from the 2008-2009 Budget and a USDA Grant, but these funding sources will leave the Department \$9,192.00 short of the full purchase price. After extensive discussion, the Commissioners gave Sheriff Falgoust tacit approval to purchase the vehicle under discussion, and suggested that he return at the end of the Fiscal Year to discuss the budget shortfall if there has been no way to make it up from other Sheriff's Department budget line items by year-end.

Electronic Ticketing & Mobile Data Terminal Report – Commissioners held a conference call with Chief Technology Officer Steve Dreher of the Wyoming Supreme Court to discuss Electronic Ticketing Systems and Mobile Data Terminals. Also participating in the call were Sheriff Lou Falgoust, County Clerk Hans Odde, and County Attorney Jerry Williams. Mr. Dreher stated that he and his staff have been conducting an assessment to ascertain what the requirements for implementing the Electronic Citation

Process through either a PDA and/or Car-Based Laptop Computer (Mobile Data Terminal) would be. The funding plan would have the State of Wyoming funding the initial purchase of the PDA's, while the money for maintenance, training, and possibly the MDT's would come from County funds. In response to questioning by Chairman Basse, Mr. Dreher stated that technical support for the PDA system would come primarily from the system vendor, not a county staff person. Commissioner Lumley asked about hard copies of the citation and receipt. Mr. Dreher responded that it was anticipated that there would be a printer integrated into the PDA's to meet those needs. He further stated that this whole system would augment the current paper system—not replace it completely. No action was required from the Commissioners at this time.

Detention Agreement – Sheriff Falgoust notified the Commissioners that the Detention Agreement between the Town of Thermopolis and Hot Springs County will be up for renewal in December. No action is required at this time, but Sheriff Falgoust wanted the Commissioners to be aware of the upcoming renewal in case they had changes in the agreement that they wanted to consider.

Greater Learning Foundation (GLF) Report – Toddi Darlington

Joint Powers Board - Toddi Darlington reported on the meeting between GLF representatives, Deputy County Attorney Sandy Baker and State Representative Lorraine Quarberg. The GLF feels that a Joint Powers Board would be the best way to proceed with the administration and governance of the proposed Interpretive Center. At this point, the Town of Thermopolis has expressed an interest in being a member of the Joint Powers Board with Hot Springs County. The GLF has also approached the Wind River Reservation and the State of Wyoming as possible members, but do not have responses from those entities yet. The GLF met with Governor Freudenthal and Ryan Lance regarding timing of a funding bill, and were told the bill needs to be submitted in September to get an early bill number. There will be a meeting in Thermopolis on September 16, 2008, with Millward Simpson, regional State Legislators, the project architect, and any available Commissioners to try to finalize the bill for submission in Cheyenne. Ms. Darlington asked that the Commissioners authorize a Joint Powers Board for the project to be located on State Park Land and issue a letter so stating. Frank T. Manning moved to issue a letter reflecting a unanimous vote on the part of the Board of Commissioners agreeing to participate in a Joint Powers Board for the administration and governance of the proposed Big Horn Basin Interpretive Center. John P. Lumley seconded the motion. Discussion: Ms. Darlington asked that a Memorandum of Understanding between the Joint Powers Board and the GLF be included in the letter. County Attorney Williams pointed out that the Commissioners could not enter in to such an MOU on behalf of the Joint Powers Board, as they would only be one of the members of such a board. Motion remained as stated. Motion carried.

Traffic Flow Study - During a meeting with WYDOT on August 21, 2008, WYDOT Representative Shelby Carlson stated the need for a Traffic Flow Study to determine the overall traffic situation in the area of the project. WYDOT will complete this study at a cost of approximately \$50,000.00. WYDOT would absorb most of the cost of the study, but the governing entity (the Joint Powers Board) could be responsible for the remaining amount up to \$10,000.00. John P. Lumley moved to authorize expenditure of up to 50% of any required matching amount, up to \$5,000.00, from the Emergency Expenditures Fund for participation in the WYDOT Traffic Flow Study. Frank T. Manning seconded the motion. Motion carried.

Tax Rebates – County Assessor

County Assessor Shelley Deromedi presented the following rebate to the County Commissioners for approval:

Rebate #12-08 - Parcel #3377 (District 100) Tax Year 2007 — Gas Ventures LLC – Oil Production at Lake Creek, Group #8577 during 2007. Gas Ventures filed amended return to correct volume allocation discrepancies between WOGCC Form 2 Reporting and Annual Gross Products Reporting for the 2006 production year resulting in overassessment on Group #8577 of 537. This rebate is in the amount of \$37.59.

John P. Lumley moved to approve Rebate #12-08 to Gas Ventures, LLC, in the amount of \$37.59. Frank T. Manning seconded the motion. Motion carried.

Assessor Deromedi reported the \$500.00 rebate on the HP Plotter has been received.

Youth Alternatives Monthly Report and Draw Down Request

Director Bob Wyss reported that he currently has eight participants in the Youth Alternatives Program, with two set to graduate in the next couple of weeks. Mr. Wyss reported on a workshop on Alcohol/Tobacco Use Prevention held in the county in August. There were about fifty teenagers in attendance, with seven representatives from Hot Springs County. Mr. Wyss invited the Commissioners and their families to a First Lady’s Initiative Dinner on September 22, 2008. Dinner will be served and games will be played—the focus will be on alcohol/tobacco use prevention. On Friday, September 5, 2008, Mr. Wyss will be meeting with the STAND group at the High School to discuss the Youth Alternatives Program. Mr. Wyss reported that the Inter-Agency At-Risk Meetings will resume this month with the start of the school year. Mr. Wyss asked that courthouse employee Shea Connor be given special thanks for her efforts to assist some of the Youth Alternatives program participants in meeting their community service requirements in a timely manner.

Mr. Wyss then presented Draw Down Request #14 for the WCCA/OJJDP Grant. Frank T. Manning moved to approve DDR #14 in the amount of \$984.06 for the WCCA/OJJDP “Non-Participating State” Grant #2006-JF-FX-K002. John P. Lumley seconded the motion. Motion carried

Other Business

Consider WYECIP Resolution – Commissioners reviewed the following Resolution:

Resolution No. 2008-07

Entitled: A RESOLUTION AUTHORIZING A REQUEST FOR A FACILITY OWNER CONTRACT ON BEHALF OF THE GOVERNING BODY FOR **Hot Springs County** FOR THE PURPOSE OF **PARTICIPATION IN THE WYOMING ENERGY CONSERVATION IMPROVEMENT PROGRAM (WYECIP)**

WITNESSETH

WHEREAS, the Governing Body for **Hot Springs County** desires to participate in the **WYOMING ENERGY CONSERVATION IMPROVEMENT PROGRAM (WYECIP)** to assist with projects to reduce energy consumption in new and existing buildings owned by the County, and

WHEREAS, the Governing Body of **Hot Springs County** recognizes the need for such projects; and

WHEREAS, the **WYOMING ENERGY CONSERVATION IMPROVEMENT PROGRAM** requires that a Facility Owner Contract be completed as an initial step in the WYECIP process, and

WHEREAS, the Governing Body of **Hot Springs County** plans to request a Facility Owner Contract from the Wyoming Business Council to initiate our participation in the **WYOMING ENERGY CONSERVATION IMPROVEMENT PROGRAM (WYECIP)**,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF Hot Springs County, that a Facility Owner Contract be requested from the Wyoming Business Council, with Hot Springs County Clerk Hans Odde designated as the contact person for the purpose of initiating participation in the **WYOMING ENERGY CONSERVATION IMPROVEMENT PROGRAM (WYECIP)** .

BE IT FURTHER RESOLVED, that the **County Commissioners** are hereby designated as the authorized representatives of **Hot Springs County** to act on behalf of the Governing Body on all matters relating to this request.

PASSED, APPROVED AND ADOPTED THIS 2nd day of September, 2008.

Hot Springs County Board of County Commissioners:

Brad W. Basse, Chairman

Attest Hans Odde, County Clerk
Hot Springs County

John P. Lumley, Vice Chairman

Frank T. Manning, Member

John P. Lumley moved to approve Resolution #2008-07 for signature. Frank T. Manning seconded the motion. Motion carried. Chairman Basse asked that the architect for the Public Health Building be notified of the County's plan to participate in the WYECIP program with the Public Health Building Project. County Clerk Hans Odde will do so and a Facility Owner Contract will be requested from the Wyoming Business Council in order to initiate the process.

Consider Barnard-Dunkelberg Record of Negotiations – County Clerk Hans Odde presented the Record of Negotiations and the Phase 2 Amendment to the Agreement Between Barnard Dunkelberg and Hot Springs County to the Commissioners.

Clerk Odde reviewed the process leading to the Record of Negotiations document – the FAA requires that a separate bid for the Environmental Assessment portion of the project be obtained from an independent third party and that the independent party's bid be within 2% of the original bid before the EA can proceed. The Record of Negotiations documents that process. Frank T. Manning moved to approve the Record of Negotiations for signature. John P. Lumley seconded the motion. Motion carried.

Clerk Odde explained that the Phase 2 Amendment to the Agreement Between Barnard Dunkelberg and Hot Springs County to the Commissioners sets out the total cost of Phase II of the Environmental Assessment as \$527,197.00 in accordance with Exhibit B – Program of Services. Chairman Basse asked that the typographical error in the Amendment showing the Program of Services as Exhibit A be corrected to show Exhibit B with the correction initialed. This was done with County Attorney Williams' approval. John P. Lumley moved to approve the Phase 2 Amendment to the Agreement Between Barnard Dunkelberg and Hot Springs County, Wyoming. Frank T. Manning seconded the motion. Motion carried.

SLIB Draw Down Requests - JLE Security Upgrade Phase II DDR #3 - County Clerk Hans Odde presented JLE Security Upgrade Phase II Draw Down Request #3 in the amount of \$1158.79 for approval. Clerk Odde notified the Commissioners that this will be the final draw down request for this project as the grant monies are now completely expended. Chairman Basse recused himself from discussion and vote as a contractor on the project. Frank T. Manning moved to approve SLIB Draw Down Request #3 – JLE Security Upgrade Phase II in the amount of \$1158.79. John P. Lumley seconded the motion. Motion carried.

Golf Board Discussion – Legion Town and Country Club President Tom Sullivan, Sr., presented the Commissioners with a membership list showing members living within the city limits and those living out of town within the county for the Commissioners’ edification regarding any assistance that might be provided by the County to the Golf Course. Mr. Sullivan also wanted to alert the Commissioners to the difficulties he has had filling the positions on the Golf Board, and the possibility that the Board may have to be disbanded due to lack of participation.

County Website – Commissioner Manning announced that the new county website is scheduled to go online September 2, 2008. The address is www.hscounty.com. Chairman Basse thanked Commissioner Manning for all his hard work in getting the site up and running. Referring to a request earlier in the meeting, Commissioner Manning reported that a page could be added for the Road & Bridge Department for a cost of approximately \$300.00. Approval was given to ask Mr. Esposito to add the Road & Bridge Page.

Correspondence

- DOT Mag Chloride Study Results
- WAM-WCCA Energy Lease Program Request for Proposals
- Wyoming Dept. of Revenue Valuation Change Notice – Gas Ventures LLC
- HSC Weed & Pest Meeting Minutes
- WYDOT WACIP Update

Commissioners reviewed the foregoing correspondence. No action was required or taken.

There being no further business before the board at this time, John P. Lumley moved to adjourn the meeting. Frank T. Manning seconded the motion. Motion carried.

Attest:

Brad W Basse, Chairman

Hans Odde, Clerk to the Board